

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

DAVID TIJERINA

§

v.

§ CIVIL ACTION NO. 5:16cv102

DR. REGINALDO STANLEY, ET AL.

§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER DENYING PLAINTIFF'S MOTION FOR INJUNCTIVE RELIEF

Plaintiff David Tijerina, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. § 1983 complaining of alleged deprivations of his constitutional rights. This Court referred the matter to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Plaintiff filed a motion for injunctive relief asking the Court to order he receive medical treatment and medication which was prescribed for him at Wadley Regional Medical Center in Texarkana. Docket No. 21. The Magistrate Judge issued a Report recommending the requested injunctive relief be denied. Docket No. 41. Plaintiff received a copy of this Report on August 22, 2017 but filed no objections. Accordingly, he is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Fed. R. Civ. P. 72; 28 U.S.C. § 636.

The Court has reviewed the pleadings in this case and the Report of the Magistrate Judge and has determined the Report of the Magistrate Judge is correct. See *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law.") It is accordingly

ORDERED the Report of the Magistrate Judge (Docket No. 41) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED the Plaintiff's motion for injunctive relief (Docket No. 21) is **DENIED**.

SIGNED this 28th day of September, 2017.

Robert W. Schroeder III
ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE